Supreme Court, U.S.
FILED

JAN 29 2001

OFFICE OF THE CLERK

No: 2000 - 001513

IN THE

Supreme Court of the United States

Wade A. Schulze, pro se.
Petitioner

V

Supreme Court of Pennsylvania

and

Common Pleas Court of Erie County, PA

PETITION FOR WRIT OF CERTIORARI
to Supreme Court of Pennsylvania
on Denial of Mandamus, Aug. 25, 2000
and Denial of Rehearing, Oct. 31, 2000

JURISDICTION:

28 U.S.C. 1257, State Courts, Certiorari

PETITION FOR WRIT OF CERTIORARI

Wade A. Schulze, pro se.
7777 Hamot Road
Erie, PA 16509
Ph: 1 814 868 4228

QUESTIONS PRESENTED.

In any political subdivision of this country, should minor judiciary, courts of record, district attornies, and the office of attorney general be permitted to criminally prosecute defendant(s), without properly attaining inpersonam jurisdiction by adherence to procedural criminal rules, adherence to judicial rules, and, adherence to rules of construction, while, they concurrently deny viable court access for and legal/factual determinations of a petition for writ of error, a.k.a., motion to dismiss that clearly shows a failure of the court to properly attain in personam juris of the defendant?

Suggested Answer: NO.

In any state or political subdivision thereof in this country, should the executive branch of government and various police forces be permitted to continue a constant egregious and rampant practice of knowingly violating rules of criminal procedure and the Fifth Amendment in initiating criminal prosecutions by information, when said prosecutions are forbidden by U. S. Const. Amend 5, PaConstArt I § 10 and various similar laws, instead of using sworn affidavits of criminal complaint made before appropriate issuing authority by victims, witnesses, or other persons with direct knowledge of the crime, excepting well defined exceptions such as conspiracy and cloistered family matters?

Suggested Answer: NO.

QUESTIONS PRESENTED.

Per Boddie V Connecticut, 401 US 371, 91 S.Ct 780, 28 L.Ed2d 113 (1971) and similar caselaws, is a state court of record or inferior court required to give a full and fair hearing on a petition for writ of error, a.k.a., motion to dismiss that clearly shows that applicable and relevant rules of procedure were flagrantly violated?

Suggested Answer: YES.

When a criminal defendant files a petition for writ of error, a.k.a., motion to dismiss that clearly shows lack of in personam jurisdiction of his/her self, is he/she required to file a direct appeal to a court of record and give the in personam jurisdiction to the State that it NEVER had?

Suggested Answer: NO.

With the five statutes cited by petitioner showing jurisdiction for the common pleas court to entertain his writ of error, did the Erie County, PA Common Pleas Court have needed jurisdiction to hear the petition?

Suggested Answer: YES.

Are blacklisting and profiling legal in this country?

Suggested Answer: NO.

LIST OF PARTIES.

All parties to this proceeding in the United States Supreme Court are NOT listed on the front cover, and, they are listed here:

PETITIONER

Wade A. Schulze
7777 Hamot Road
Erie, PA 16509
Ph: 1 814 868 4228

Pennsylvania Supreme Court
801 City-County Building
Pittsburgh, PA 15219
Ph: 1 412 565 2816

Common Pleas Court of Erie County, PA
140 West 6th Street
Erie, PA 16501
Ph: 1 814 452 6349

Attorney General D. Michael Fisher
Office of the Attorney General
Western Regional Office
564 Forbes Avenue
Pittsburgh, PA 15219
Ph: 1 412 565 7680

Respondents

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ERIE CO., PA COMMON PLEAS COURT,
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PETITION FOR A WRIT OF CERTIORARI

Mr. Wade A. Schulze does respectfully petition for a writ of certiorari to review the adamant refusal of the Erie County, PA Common Pleas Court to hear a bonifide petition for writ of error on several illicit and illegal summary prosecutions, all of which were done with knowing violations of the Pennsylvania Rules of Criminal Procedure, AND, the in toto refusal of the Pennsylvania Supreme Court to grant mandamus relief to compel the Erie County PA Common Pleas Court to hear the writ of error, since, It DID have jurisdiction.

OPINIONS BELOW

No opinions were given by the Pennsylvania Supreme Court or the Common Pleas Court of Erie County, PA.
One sentence denials by the PA Supreme Court are attached with a copy of the facetious denial by Erie County, PA.

JURISDICTION

The PA Supreme Court decided my Application for Writ of Mandamus on August 25, 2000,

and

A Petition for Rehearing, en banc was denied on October 31, 2000

JURISDICTION

The Honorable Justices of the United States Supreme Court have jurisdiction to entertain this petition for writ of certiorari per 28 USC 1257: State Courts, certiorari.

Final judgments or decrees by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where .... any title, right, privilege, or immunity especially set up or claimed under the Constitution or treaties or statutes of, ..., the United States.

STATUTES, CASELAWS, AND AUTHORITIES

U. S. Const. Amend. 4: The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U. S. Const. Amend. 5: No person shall be held to answer for a capital, or otherwise infamous crime, unless upon a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any

person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

PaConstArt I § 8: The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or thing shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affined.

PaConstArt I § 10: Except as hereinafter provided no person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. Each of the several courts of common pleas may, with the approval of the Supreme Court, provide for the initiation of criminal proceedings therein by information filed in the manner provided by law. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use,

without authority of law and without just compensation being first made or secured.

PaConstArt I § 11: All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

PaRCrimP 65: When the affiant is not a law enforcement officer, the affiant shall institute a criminal proceeding in a summary case by filing a complaint with the proper issuing authority.

PaRCrimP 56: Within five (5) days after a citation is issued to the defendant, the original shall be filed with the proper issuing authority.

PaRCrimP 119 (2): No arrest warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits. (b) At any hear-

ing on a motion to dismiss challenging an arrest warrant, no evidence shall be admissible to establish probable cause for the arrest warrant other than the affidavits provided for in paragraph (a).

Envirotech Sanitary Systems, Inc V Shoener, 745 F. Supp 271 (M.D.Pa 1990) at hn 9 + 280: [9] Federal civil rights statute § 1983 authorizes federal court to grant judicial relief when individual's federally protected rights are violated by state and local officials. @ 280: Thus, a federal court is authorized to grant judicial relief when an individual's federally protected rights are violated by a state or local official.

U. S. V Kras, 93 S.Ct 631 (1973) @ 636: He [Mr. Justice Harlan] declared that a "meaningful opportunity to be heard" was firmly embedded in our due process jurisprudence. 401 US 377, 91 S.Ct 785, and that this was to be protected against denial by laws that operate to jeopardize it for particular individuals i.d., 401 US 379-380, 91 S.Ct 786-787. ... The requirement that these appellants resort to judicial process is entirely a state created matter.

Com. ex rel Paulinski V Isaac: Pa. 397 A2d 760, (1979): hn [8] Constitutional provisions are not to be read in strained

STATUTES, CASELAWS, AND AUTHORITIES

or technical manner; rather, such provisions must be given the ordinary, natural interpretation a ratifying voter would have given them. hn[9] Constitutional provisions are not to be read in a strained or technical manner. Rather, they must be given the ordinary, natural interpretation the ratifying voter would give them. Com V Harmon, 469 Pa 490, 366 A2d 895 (1976); Beradocoo V Golden, 469 Pa 452, 366 A2d 574 (1976).

Boddie V Connecticut, 401 US 371, 91 S.Ct. 780, 28 L.Ed2d 113 (1971): hn [5] "Due process" requires at minimum, that absent countervailing state interest of overriding significance, persons forced to settle claims of right and duty through the judicial process must be given a meaningful opportunity to be heard. hn [12] Within limits of practicability, a state must afford all individuals a meaningful opportunity to be heard.

F.D.I.C. V Greenberg, 487 F2d 9 (1973) hn [2]: a court must follow procedural rules to gain in personam jurisdiction of a defendant.

U.S. V Jeffers, 72 S.Ct 93, The mandate of the Fourth Amendment as to unreasonable searches and seizures requires adherence to judicial process.

STATUTES, CASELAWS, AND AUTHORITIES

Black's Law Dictionary: Error Apparent of Record, Plain fundamental error that goes to the foundation of the action irrespective of the evidence; an obvious misapprehension of the applicable law. Parks V Parks, 68 App DC 363, 98 F2d 235, 236.

Bouvier's; Due Process of law: 946, Its fundamental requirement is an opportunity for a hearing and a defense. 946: Law in its regular course of administration through courts of justice. 947: ... "indictment or presentment of good and lawful men. ..." No person shall ... be deprived of life, liberty or property, without due process of law. Amendment 14 prohibits a state from depriving a person of life. liberty or property, without due process of law. 948: It means according to the system of law in each state and not any general one. 948: Due Process of Law means such acts of government as settled maxims of law sanction and permit. 949: ..., and due process of law and the equal protection of the laws are secured if the laws operate on all alike, and do not subject the individual to an arbitrary exercise of the powers of government.

Baldi V City of Philadelphia, 609 F.Supp 162 (E.D.Pa) A "negative liberty" is freedom from state interference or intrusion, in effect, being let alone by state.

STATUTES, CASELAWS, AND AUTHORITIES

Bouvier's @ 243, "But a constable cannot arrest for an ordinary misdemeanor without a warrant, unless present at the time of the offence." is specifically supported by Illinois V Gates, 462 US 213, 103 S.Ct 2317, 76 L.Ed2d 527; U.S. V Day, 455 F2d 454; Com V Evans, 685 A2d 26 and Com V Dennis, 612 A2d 1014; Com V Pinno, 248 A2d 26.

PaConstArt Y § 5 under Courts of Common pleas at (b) states: (A) ... (b) "having unlimited jurisdiction in all cases except as may otherwise be provided by law."

42 PaCS 912 - Powers of courts of common pleas: "Every court of common pleas shall have power to issue, under its judicial seal, EVERY LAWFUL WRIT and process to be served or enforced by system and related personnel as such courts have been heretofore authorized by law or usage to issue. Every judge of a common pleas court shall have all the powers of a judge or district justice of the minor judiciary."

92 PaCS 931 - Original jurisdiction and venue at (a) General rule: except where exclusive original jurisdiction of an action or proceeding is by statute or by general rule pursuant to section 503 (relating to assignment of matters) vested in another court of this commonwealth, the courts of common pleas shall have UNLIMITED ORIGINAL JURISDICTION

STATUTES, CASELAWS, AND AUTHORITIES

of all actions and proceedings including all actions and proceedings heretofore cognizable by law or usage in the courts of common pleas.

42 PaCS 932 - Appeals from minor judiciary: "Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to assignnent of matters), each court of common pleas shall have exclusive jurisdiction of appeals from final orders of the minor judiciary established within the judicial district".

42 PaCS 934 - Writs of certiorari: "Unless and until changed by general rule, the judges of the courts of common pleas, within their respective judicial districts, shall have power, in addition to the right of appeal under section 9 of Article V of the Constitution of Pennsylvania, to issue writs of certiorari to the minor judiciary."

A statute must be construed according to its terms as enacted.
Com V Hallberg, 81 A2d 270, 168 PaSuper 596, 1951,
reversed on other grounds 97 A2d 849, 373 Pa 554;
Com ex rel Varronne
V Cunningham, 73 A2d 705, 365 Pa 68, 1950.

A court, in construing statute, may not delete or disregard words contained therein. City of Allentown V Pa Public

STATUTES, CASELAWS, AND AUTHORITIES

Utility Commission. 96 A2d 157, 173 PaSuper 219, 1953: Com V One 1939 Cadillac Sedan, Engine No. 6292665, Mfg. No. 6292665, 45 A2d 406, 158 PaSuper 392, 1946.

In construing statutes, every provision of statute must be given effect. City of Wilkes-Barre V Ebert, 349 A2d 520, 22 PaCmwlth 356, 1975.

To fail to give effect to all of the provisions of a statute or to give them unreasonable or absurd construction violates the fundamental rules of statutory interpretation. Sherwood v Elgart, 117 A2d 899, 383 Pa 110, 1956.

In construing a statute, court will not render any of its provisions ineffectual if possible. Appeal of Mortimer, 112 A2d 151, 380 Pa 520, 1955.

Intent of legislature should be gathered from language of statute alone where such language is clear and unambiguous. F. W. Woolworth Co. V City of Pittsburgh, 284 A2d 143, 2 PaCmwlth 3 38, 1971.

and,

Motives of legislators in passing an act are not open to judicial consideration. In re Appeal by Mark-Garner Associates, Inc., 413 A2d 1142, 50 PaCmwlth 354, 1980.

STATEMENT OF THE CASE.

Petitioner comes before the United States Supreme Court as a victim of blacklisting and profiling as well as a victim of official oppression. This claim is supported by very strong circumstantial evidence and a knowledge of many other persons plight that fits the blacklisting and profiling techniques.

-A-

On 11/15/99, an alleged incident occurred at 12:55 P.M. in which the petitioner was alleged to have executed the passing of another vehicle in extremely negligent manner. The petitioner was NOT in that area at that time, and, he had two witnesses to attest to that fact. Also, my time card at work shows that I punched in at 1:30 P.M., only 35 minutes later after necessarily transporting myself through about 15 miles of heavily congested roads. That is a highly improbable supposition for the circumstances.

The complaining Pennsylvania State Police officer did NOT see the alleged incident, and, he did wrongfully violate PaRCrimP rules by NOT requiring the private person complainant to file a sworn affidavit of complaint before the appropriate issuing authority.

Because I had witnesses to verify that I was at home at the time of the alleged incident, I had a paralegal help write a motion to dismiss for me, which motion I submitted to minor

STATEMENT OF THE CASE.

judiciary District Justice Carol Southwick prior to the scheduled hearing.

When I showed for the scheduled hearing to protest that Ms. Southwick had NO jurisdiction to hold a hearing, she ignored both my protests and motion to dismiss, held a hearing anyways, and ruled against heavily favorable weight of evidence to pronounce me guilty.

-B-

On 10/18/99 at 7th + Sassafrass Streets in Erie, PA, as I was performing my afternoon job as a mailman, I came upon a minor traffic accident at aprox. 3:22 P.M. There were police at the scene, but, when I approached the intersection, there was NO ONE in the intersection directing traffic, and, this fact was verified by both a friendly and a hostile witness at the illicit hearing.

There was a freestanding mailbox about one block away on my left where I needed to pick up mail, so, seeing my way clear to do so, I executed a left turn and went to the box.

Erie Police Officer Donald Dacus came over to me and complained that I had failed to obey his orders to turn right or some such, and, I politely told him that there was NO ONE in the intersection directing traffic when I executed my turn, and, my left turn did NOT in anyway harm the parties to the minor

accident or anyone else. Nothing more occurred at that time.

On 11/10/99, Off. Dacus wrote, mailed to me, and filed a citation for disobedience to a uniformed police officer when he was directing traffic. And, to exascerbate his abuse and misuse of the law, he wrote a second citation for alleged disorderly conduct at the scene of that minor accident. Neither citation was cognizable at that late date nor were they justified. Also, neither one was filed within five (5) days of the incident as required by statutory law, and, no exigent reasons were given or applicable to justify the long wait of 23 days between incident and filing of the citation.

Again, I utilized the criminal law paralegal to write motions to dismiss for me that were submitted to the two relevant minor judiciaries well prior to the hearing date. Later, the Erie Traffic Court citation was transferred to District Justice A. Joseph Weindorf to be handled in conjunction with the one for alleged disorderly conduct.

On January 7, 2000, when I showed to protest jurisdiction at the scheduled hearing time, the minor judiciary refused to answer my challenge to jurisdiction and conducted a hearing against my wishes. Then, he boldly ruled against me on both citations against heavy weight of evidence and with violations of law, by the arresting officer AND both minor courts.

STATEMENT OF THE CASE.

On January 11, 2000, he issued a letter finding me guilty of the traffic offense while erroneously claiming the citation was timely, and, predicated on that finding of guilt, he also pronounced me guilty of the illicit charge of disorderly conduct. He coldly defied statutory law that plainly required the citation to be filed at the scene AND still other statutory law that required a summons to be filed and served within five (5) days if not served at the scene for some viable reason.

-C-

Thereafter, using help from the same paralegal, yet again, we wrote up petitions for writ of error in the Common Pleas Court against the two minor judges. I presented them separately in criminal motion court on February 9 + 10, 2000, Judge Stephanie Domitrovich issued a rule, and a hearing was scheduled for March 8.

When I showed for the hearing(s) on March 8, 2000, the Court AND Assistant District Attorney prevaricated and stated that the court did NOT have jurisdiction because I had not filed a direct appeal. That was done against the holdings of Commonwealth V Joki that plainly intoned that if I allowed a hearing on the merits, I would give the minor courts the in personam juris that they NEVER HAD, because of plain failure to abide by procedural rules of criminal procedure and procedural rules of judicial procedure.

STATEMENT OF THE CASE.

-D-

Yet again, I utilized the same paralegal to appeal to the Pennsylvania Supreme Court. The appeal we wrote clearly and indisputably showed that the Common Pleas Court DID have jurisdiction to hear my writ of error in five different applicable ways.

No one in either the PA Supreme Court or the Erie County Common Pleas Court cared an iota about the statutory law proffered for jurisdiction and the PA Supreme Court twice denied me relief.

-E-

The petitioner avers that some sort of blacklisting and profiling is the only viable real cause of the need for this application for writ of certiorari.

Why did Judge Domitrovich abide by law and issue a rule with scheduled hearing, and, then, one month later, she turned her back on justice and defied knowledge that she DID have jurisdiction to prevaricate and state she did not have jurisdiction?

How is it that, 23 days after the fact and 18 days past legal statutory time, Officer Dacus decided to prosecute me for a mistake of fact traffic offense and malevolently add a second citation for disorderly conduct. Then, on the fifth day follow-

ing officer Dacus' illicit decision, a State Police Officer decides to illicitly prosecute me for a moving traffic violation that he NEVER saw, and for which he did NOT have any sworn affidavit for probable cause from anyone who did witness the alleged incident? [Petitioner notes here, that, the close timing of the prosecutions was not his doings in any manner. Therefore, the timing of the prosecutions of itself makes the whole situation appear to be a highly improbable ruse.]

Certiorari should be granted hereto, even if only to investigate the very suspect and unlikely circumstances of this matter.

REASONS FOR GRANTING THE WRIT.

From inception of each summary prosecution of the petitioner, rules of criminal procedure were blatantly and openly violated. The petitioner DID properly notify each minor court judge prior to scheduled hearing in a properly elucidated motion to dismiss, but, in all three instances, the motion to dismiss was relegated to be a non-existant nonentity by refusal of the District Justices to deal with them on a factual and/or legal basis.

When the petitioner went to Common Pleas Court with proper writs of error, rules to show cause were issued and hearing was scheduled exactly as due process of law and court access dictate.

When I showed for the hearing, both the ADA and Court prevaricated openly and claimed the Court did NOT have jurisdiction to entertain the writs, even though, the petitioner had clearly shown PA State Caselaw to support the fact, that, if he filed an appeal on the merits of the matter, he would be giving the State the in personam jurisdiction it NEVER had.

The United States Supreme Court should grant certiorari to halt the criminal persecution of the petitioner as a result of some sort of blacklisting and/or profiling that has obviously occurred to relegate petitioner to a special class of people whom are unable to exert their Constitutional Rights like pariah.

REASONS FOR GRANTING THE WRIT.

Certiorari should also be granted to reverse the three illicit summary convictions that have been illegally and wrongfully forced upon the petitioner.

It would aid the appellate jurisdiction of this Court to exert its authority and compel the states to administer due process of law and fairness in criminal prosecutions lest our freedoms exit by the same route that the Wilmeir Republic of Germany was eliminated by the Nazis.

Granting of certiorari would be likely to eliminate a lot of future appeals like this one, since, every day, more and more people in Erie are learning about the egrecious misconduct of common pleas court judges, the office of the district attorney, minor judiciary, and ALL various police forces and, a plethora of similar applications for certiorari could start arriving at the United States Supreme Court, if something is NOT done to terminate the egrecious and unlawful misconduct of these "officials."

CONCLUSION.

The Common Pleas Court DID have jurisdiction to hear my writs of error, and she wrongfully denied me court access and a hearing on the matters. She even fixed things so that I could NOT get a docket number or record of proceedings therein.

In so doing, the court did wrongfully deny me court access to the only available forum that could hopefully litigate my differences with the minor judiciary and police officers whom had coldly defied criminal procedure to improperly and wrongfully force minor misdemeanor convictions upon me for crimes never done. She inserted herself into the arena as just another person in Erie County, PA who will abuse and misuse her authority to harm certain selected citizens.

Upon appeal to the Pennsylvania Supreme Court, petitioner was wrongfully denied a forum to litigate his disputes with the Common Pleas Court of Erie County, PA, the Erie County Office of the District Attorney, minor judiciary, and PA State and Erie City Police Officers.

The Honorable Justices of the United States Supreme Court should grant certiorari to halt the rampant violations of rules of criminal procedure in Erie County on a daily basis, to turn the criminal justice system into a criminal INJUSTICE wherein people are illegally prosecuted and presumed guilty to make money and increase personal power for a corrupt judiciary and ruling class.

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMON PLEAS COURT, ERIE COUNTY,	:	No. 50 WM 2000
Respondent	:	
v.	:	
WADE A. SCHULZE,	:	
Petitioner	:	

ORDER

PER CURIAM:

AND NOW, this 31st day of October, 2000, the Petition for Rehearing En Banc is denied.

A true copy Patricia Honard
As of: October 31, 2000
Attest: Patricia Honard
Clerk
Supreme Court of Pennsylvania

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMON PLEAS COURT, ERIE COUNTY, PA,	:	No. 50 W.D. Misc. Dkt. 2000
Respondent	:	
v.	:	
WADE A. SCHULZE,	:	
Petitioner	:	

ORDER

PER CURIAM:

AND NOW, this 25th day of August, 2000, the request for leave to file original process is granted and the Application for Extraordinary Relief by Writ of Mandamus is denied.

A True Copy Shelley A. Carrara
As of: August 25, 2000
Attest: Shelley A Carrara, by Amy Fisher
Deputy Prothonotary
Supreme Court of Pennsylvania

THIS PAGE IS AN ADDed CORRECTION

Ap-C

COMMONWEALTH OF PENNSYLVANIA	:	IN THE COURT OF COMMON PLEAS
	:	OF ERIE COUNTY, PENNSYLVANIA
vs.	:	TRIAL COURT DIVISION
	:	Emanating From:
WADE A. SCHULZE	:	NO. District Court 06-3-06 TR-729-99, and, District Court 06-2-01 TR-1-2000 + NT-739-99

ORDER OF COURT

AND NOW, to-wit, this Eighth day of March, 2000, upon consideration of Defendant's pro se Motion for Injunctive Relief and Issuance of Temporary Restraining Order, and pro se Petition for Writ of Error with Motion to Arrest Judgments, it is hereby **ORDERED, ADJUDGED AND DECREED** that said Motions are DISMISSED since no appeal was ever filed and, therefore, this Court lacks jurisdiction.

BY THE COURT:

Stephanie Domitrovich Judge

NOTICE WAS GIVEN TO EACH PARTY OR COUNSEL OF RECORD BY ORDINARY MAIL ON March 13, 2000

Copy to: District Attorney
Wade A. Schulze, 7777 Hamot Road, Erie, PA 16509
Trial Court Administration

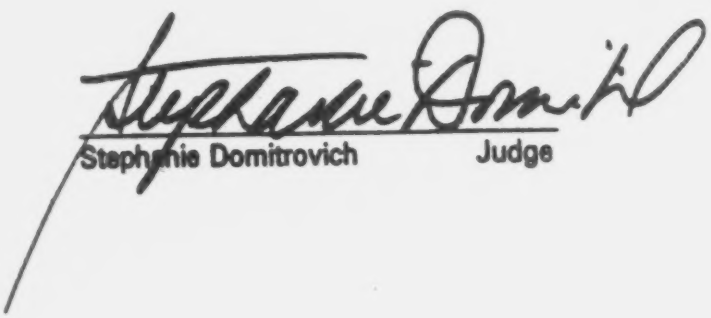
BEST AVAILABLE COPY

COMMONWEALTH OF PENNSYLVANIA	:	IN THE COURT OF COMMON PLEAS
	:	OF ERIE COUNTY, PENNSYLVANIA
	:	CRIMINAL DIVISION
vs.	:	
	:	
WADE A. SCHULZE	:	NO.

ORDER OF COURT

AND NOW, to-wit, this Ninth day of February, 2000, upon consideration of of Defendant's Petition for Writ of Error with Motion to Arrest Judgment, a rule is hereby issued against the Commonwealth to show cause why the subject Motion should not be granted; said rule to be returnable Wednesday, March 8, 2000, at 3:30 p.m., Courtroom G, Erie County Court House, Erie, Pennsylvania.

BY THE COURT:



Stephanie Domitrovich Judge